

EXHIBIT A

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

§ 87(2)(b) A § 87(2)(b)

Plaintiff,

COMPLAINT

-against-

Index No.

A § 87(2)(b) S § 87(2)(b) KATHERINE MALLE S § 87(2)(b)
and JOHN S § 87(2)(b)

Defendants.

Plaintiff S § 87(2)(b) A § 87(2)(b) appearing *pro se*, complaining of defendants A § 87(2)(b) S § 87(2)(b)
Katherine Malle S § 87(2)(b), and John S § 87(2)(b) respectfully alleges:

PRELIMINARY STATEMENT

1. This complaint recites what happens when a privileged student of economic means at Albany High School did not get everything she and her family dreamed of and believed she was entitled to and the lengths she and her parents went to in order to seek revenge on the person they held responsible for crushing their dream, driven solely by malice and the intent to cause harm.

2. Venue is properly based in New York County where plaintiff S § 87(2)(b) A § 87(2)(b) resides.

FACTS

3. S § 87(2)(b) served on the City School District of Albany Board of Education ("BOE") from December 1, 2011 to June 30, 2018. During the almost seven years S § 87(2)(b) A § 87(2)(b) served on the BOE, the BOE focused on raising the graduation rate by providing equitable funding to support the academic, social, and emotional needs of underserved students.

4. When S § 87(2)(b) A § 87(2)(b) joined the BOE in 2011, the statewide graduation rate was 78%. At Albany High School ("AHS") the graduation rate was 53% overall: 77% for white students; 47% for Black/African American students; 42% Hispanic/Latino students; 42% Asian/Native Hawaiian/Pacific Islanders.

5. After years of low graduation rates, the New York State Education Department

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identified AHS as a struggling school on the list for Receivership in July 2015.

6. By June 2018, when S. A. [REDACTED]'s second term on the BOE ended, the AHS graduation rate was 68% overall; 76% for white students; 63% for Black/African American students; 70% for Hispanic/Latino students; 75% for Asian/Native Hawaiian/Pacific Islander students. It was the fifth consecutive year with an increase and AHS's highest graduation rate since 2005, when New York State started measuring graduation rates under the current methodology. The statewide graduation rate in 2018 was 80%.

7. In the Albany City School District, a poor district underfunded by New York State, providing equity for students meant the BOE had to make tough choices, including requiring class-size minimums, reducing private, small group music instrument lessons, alternating years when certain Advanced Placement ("AP") courses were offered, co-seating some AP and International Baccalaureate ("IB") classes, and reconfiguring specialized programs. It also meant acknowledging publicly that there had been a legacy of racial inequity that had to be rectified.

8. Although AHS had been identified as a "struggling" school and in 2015 was placed in Receivership, for many years it was seen as having excellent academic and extracurricular offerings: numerous AP classes; an IB Diploma Program; a full panoply of music and theater groups and sports programs; and foreign languages that included Mandarin.

9. The overwhelming majority of students in AP classes and the IB Program, as well as those taking Mandarin and Latin, the latter of which stopped being offered around the time S. A. [REDACTED] joined the BOE, were white and on track to graduate. Every year, with student needs outpacing state funding, the BOE tried to balance providing higher level classes with the need for remedial classes to assist students who were performing years-below level and in danger of not graduating, and for increased social and emotional supports for the significant student population with serious needs that adversely impacted their academic success. The BOE also had to consider the budget City of Albany taxpayers would be willing to vote to approve.

10. A. S. [REDACTED] entered Albany High School as a freshman in September 2014.

11. For A. S. [REDACTED], getting an IB Diploma was "the reason [her parents] decided to send

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[her] to Albany High.”

12. Katherine and John [REDACTED] “discussed AHS course options with [REDACTED] and met with her academy guidance counselor and IB Coordinator. Together [they] planned [her] 4 year ‘college and career pathway’ towards an IB diploma with an emphasis on the sciences.”

13. An IB Diploma required students to take a distinct set of IB classes in junior and senior years taught by teachers who received specialized IB training.

14. A [REDACTED] S [REDACTED] referred to herself as “a hard core science girl.” The words “A [REDACTED] S [REDACTED] Science Girl” appeared at the top of her text messages.

15. A [REDACTED] S [REDACTED] and her parents had planned for her to take a higher level IB Biology course in her junior and senior years so she could obtain an IB Diploma in a science track.

16. In Summer 2016, when A [REDACTED] S [REDACTED] was trying to set her junior year schedule, she wrote:

“im a hard core science girl. Im in ib... im super-stressed out about it bc I want the ib diploma. I actually started crying in the guidance office like it was a 2 hour meeting today. All IB. It was awful.”

17. When A [REDACTED] S [REDACTED]’s schedule showed only Regents Physics and not AP Physics would fit in her schedule junior year she wrote:

“im pathetic bc physics is easy and im a hard core science girl and im ruining my college career. Im in normal pathetic physics!!! Yeah life sucks ass.”

18. When A [REDACTED] S [REDACTED] entered AHS in order to obtain an IB Diploma, there were approximately 2400+ students enrolled; 79% students of color and 21% white students.

19. The most recent graduation rate (2014) was 54% overall; 77% for white students; 44% for Black/African American students; 58% for Hispanic/Latino students; 49% for Asian/Native Hawaiian/Pacific Islanders students. The statewide graduation rate was 80%.

20. For some time, S [REDACTED] A [REDACTED] had received some AHS parent complaints about their children’s scheduling problems and, when she made a few inquiries, she learned that an IB Diploma student’s schedule was created first – literally first, before any of the other 2400+ students’ schedules were assigned – because that was the only way an IB Diploma student could

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get a schedule where all required IB classes would not conflict with each other. Until then, no one on the BOE knew this fact. S. A. asked the District's IT Head to report publicly to the BOE in writing and at a BOE meeting about how scheduling at AHS occurs.

21. After this presentation, S. A. publicly stated that given the needs of all AHS students, she did not think the District could justify having an IB Program with the schedules of just one or a few students impacting the schedules of all other students, nor could a program in its current form with so few students in it be sustained.

22. The number of students in the IB Diploma Program had dwindled down to just a few. Some students took an IB course or two and obtained an IB Certificate. But an IB Diploma required almost all IB classes including physical education, culminating in a thesis, which few students were willing to do. Few students enrolled, and then some or all dropped out in junior or senior year.

23. S. A. publicly raised the issue of how to save IB after only one student graduated in June 2013 with an IB Diploma.

24. At a BOE meeting, S. A. asked then-AHS Principal Cecily Wilson-Turner if she could try to come up with a proposal to maintain the IB Diploma Program, which is what led to AHS's proposal of an Art/Theater track for an IB Diploma.

25. S. A. also spoke publicly about recruiting more students of color into the IB Program and AP classes. And since IB and AP classes cost money, she took steps to obtain funding for students who could not afford these costs but wanted to take the classes. She reported about this publicly at BOE meetings. She also spoke publicly about the need to provide academic supports for students who might need some assistance to succeed in these challenging classes.

26. Until it changed to an Art/Theater track, the IB Diploma Program was one of AHS's programs with the least diversity. This change resulted in the largest number of IB Diplomas in many years being awarded to four to five African American students at AHS's 2017 graduation.

27. A., Katherine, and John S. knew that S. A. tried to save the IB Diploma Program from being eliminated because Katherine Malle S. said she tried to read every BOE

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Agenda before the bi-monthly meetings and attended many, many BOE meetings.

28. S. A. spoke at a BOE meeting about complaints parents of some high-achieving students were making about budget cuts eliminating classes or programs. She said she understood her second child might not have the same opportunities her first child did five years earlier at AHS, but equity demands the BOE make these choices even if your own child might not get certain opportunities so that resources can go to those with greater needs.

29. It was explained to A., Katherine, and John S. why an underfunded poor school district with a low graduation rate — in Receivership — could not operate like a small prep school, accommodating the needs of just one child. They were told an Art/Theater track was created as the only way to save IB given all the other critical needs to support across a 2400+ student school because that track could be incorporated into the already existing Art and Theater programs. AHS worked with National IB to ensure this track would satisfy the IB Diploma requirements.

30. In Spring 2016, when A. S. was a sophomore, she learned that AHS would not be able to offer the higher level IB Biology course she planned on taking in her junior and senior year because only three other students had registered for the course. A. S. could still obtain an IB Diploma, but it would have to be in the IB Art or Theater track.

31. Katherine Malle S. reacted angrily: "Imagine our shock and surprise when we sat down ... and were told that the 'college and career pathway' our daughter was on — had hit a brick wall. Higher level courses in the Arts is a fine option for some. But it's not a fine option for students wanting to pursue science, medicine, math or engineering in college."

32. A., Katherine, and John S. were also upset that, since the Theater course was "only offered after school two days a week which conflict[ed] with interscholastic, Suburban Council sports & games," A. was being forced to make a choice between IB Theater and sports. A. S. chose sports and registered for Art.

33. But shortly after junior year began in September 2016, A. S. chose to give up on her and her parents' dream of an IB Diploma. As Katherine Malle S. stated: "Our daughter

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felt that spending 1½ periods Junior and Senior year in an Art class was not in her best interest. So three weeks into the [2016-17] school year, she dropped Art (and her goal of an IB Diploma)."

34. A■■■, Katherine, and John S■■■ blamed S■■■ A■■■ for A■■■ S■■■ not being able to obtain a science-based IB Diploma.

35. A■■■, Katherine, and John S■■■ blamed A■■■ S■■■'s inability to obtain a science-based IB diploma on S■■■ A■■■'s child not being interested in the IB Program. S■■■ A■■■'s child was one of more than 2400+ students who were not interested in the IB Program. Her child also was not interested in French, Art, Cosmetology, or dozens of other classes. But S■■■ A■■■ did not try to eliminate any of those. Her child's interests were not a consideration in how she made decisions as a BOE member.

36. A■■■, Katherine, and John S■■■ knew that S■■■ A■■■ was one of seven BOE members, only had one vote she could cast, had no exclusive control over any BOE decision, and was not responsible for a science-based IB Diploma being unavailable to A■■■ S■■■.

37. A■■■, Katherine, and John S■■■ knew that the IB Biology class A■■■ S■■■ wanted to take was canceled by Albany High School because only three other students registered for it.

38. Even though Katherine Malle S■■■ was told multiple times that AHS could not run a course for just four students, she continued to argue publicly at BOE meetings and in emails that A■■■ S■■■ was entitled to this course — that the BOE essentially owed this to her — because "[t]he 2017-2018 Course Book lists a higher level [IB] science. We know AHS has a qualified science teacher trained to teach this higher level IB course. We hope the BOE and the Albany City School District will honor what's been advertised in its Course Book — year after year."

39. Katherine Malle S■■■ also argued that the "2017-2018 [AHS] Course Offering Book...is inaccurate. It misrepresents college and career pathways available to students. This is not the first year the District inaccurately represented AHS offerings to students and parents (aka taxpayers). The 67-page Course Offering Book is thick, but what actually sticks? While my focus is with the IB Diploma program, I'm now also curious to learn the five year history of each

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class listed in the book specifically: (a) what year(s) was each class offered and, (b) how many students enrolled/received a final grade in each class?"

40. Katherine Malle S█████ said "[t]he International Baccalaureate Diploma program is not clearly understood and/or appreciated by some BOE members" and accused the BOE of "the watering down of AHS's International Baccalaureate program."

41. Katherine Malle S█████ vented her anger that A█████ S█████ was not being given a science-based IB Diploma at the BOE's vote to fund JROTC, where S█████ A█████ voted in the majority.

42. Katherine Malle S█████ complained that JROTC -- a program that primarily benefitted students of color -- was being given too much support as compared to other programs: "[I] support the discipline and focus ROTC offers, but that equity, financial transparency, and accountability must exist across the board with all programs" (Emphasis added).

43. A█████ S█████ was never a victim of a lack of equity at AHS.

44. Katherine Malle S█████ complained repeatedly about JROTC funding:

"[I am] not opposed to the discipline and high expectations ROTC offers" but was "however opposed to these type of trip requests. I am also concerned by the manner in which this board implemented the program mid-year with lightning (sic) speed over a year ago. I seek transparency and accountability from the Board and this District. At this time, I respectfully ask the Board to: (1) make public the entire financial history of the ROTC program (2) differentiate the amount Albany taxpayers paid and how much the Federal Government reimbursed taxpayers (3) Update taxpayers on program enrollment and academic outcomes of these students since the program's inception." (Italics in original)

45. Katherine Malle S█████ never complained about the buses used to travel from Albany to Eastern Long Island for a Choir class trip A█████ S█████ participated in, nor did she ask for academic outcomes or program enrollment for Choir class.

46. In fall 2016, A█████, Katherine, and John S█████ were so angry that A█████ S█████ was not getting what they believed she was entitled to that they began a malicious, vindictive campaign, against S█████ A█████, the person they irrationally and unreasonably decided to blame for denying A█████ S█████ a science-based IB Diploma.

47. A█████, Katherine, and John S█████ campaign against S█████ A█████ was motivated solely by

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malice and was without justification or excuse.

48. A■■■■, Katherine, and John S■■■■'s personal vendetta against S■■■■ A■■■■ sought to interfere with S■■■■ A■■■■'s performance of her elected position and compel her to resign from the BOE, and to cause her as much economic harm as possible.

49. A■■■■, Katherine, and John S■■■■'s continuous years-long vendetta against S■■■■ A■■■■ was based on the knowingly false and malicious claims of wrongdoing by her child that they alleged S■■■■ A■■■■ covered-up.

50. A■■■■, Katherine, and John S■■■■ took steps to pursue their vendetta clandestinely and took pains to avoid making statements publicly which could expose them to legal action: communicating privately with other BOE members they thought would be sympathetic to them; spreading rumors to district families; trying to communicate with AHS and district staff secretly; and orchestrating others to do their dirty work spreading false claims so that they could avoid any legal consequences for their malicious conduct.

A■■■■, Katherine, and John S■■■■'s False, Malicious Claims About Cheating

51. Enraged that A■■■■ S■■■■ was not going to graduate with an IB Diploma, A■■■■ and Katherine S■■■■ asserted, as part of their malicious, vindictive campaign to interfere with S■■■■ A■■■■'s performance of her elected position and compel her to resign from the BOE and to cause her as much economic harm as possible, that S■■■■ A■■■■ covered-up her child cheating in school when they both knew her child had not cheated.

52. In fall 2016, when S■■■■ A■■■■ was at AHS for an event in the auditorium, she had a conversation with Ralph Pape, the US History teacher for A■■■■ S■■■■ and S■■■■ A■■■■'s child. Towards the end of the conversation, Pape mentioned that a group of students had gotten history quizzes from Amazon. He told S■■■■ A■■■■ that he planned to speak to all the students involved and that her child was one of the students. Pape explained that he had not written the quizzes, he had not used them and was not going to use them for his class, and no cheating had occurred.

53. A■■■■ S■■■■ knew no cheating occurred. The quizzes were not from AHS; they were not created by their teacher. It was not a secret, which is how A■■■■ learned about it.

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54. But A■■ S■■ did not let it end there and continued to say S■■ A■■'s child cheated.

55. A short while later, S■■ A■■ learned that A■■ and Katherine Malle S■■ were still making false accusations about her child and that Katherine Malle S■■ went to AHS during the school day without authorization and walked around the school trying to talk to teachers/staff about S■■ A■■'s child. S■■ A■■ asked that AHS investigate. S■■ A■■ also asked that Katherine Malle S■■ be stopped from going around AHS making false accusations about S■■ A■■'s child.

56. An investigation was conducted by Michael Elliott, a House Principal, which confirmed that the S■■'s allegations of cheating were false.

57. A■■ and Katherine S■■ were told no cheating occurred and to stop the malicious, vindictive conduct.

58. But A■■ and Katherine S■■ did not stop.

59. Instead, on February 8, 2017, Katherine Malle S■■ contacted BOE member Ellen Roach.

60. Katherine Malle S■■ said she wanted to make sure Roach was aware of "serious problems" at AHS.

61. When Roach asked for clarification, Katherine Malle S■■ repeated the proven falsehood that S■■ A■■'s child was cheating in school and violating the code of conduct.

62. Katherine Malle S■■ said the code of conduct was a "joke" and that "everyone" at the high school knew S■■ A■■'s child was cheating.

63. Katherine Malle S■■ provided Roach with no details about what classes or tests S■■ A■■'s child was supposedly cheating in, or any information to indicate how A■■ S■■ discovered this.

64. Katherine Malle S■■ told Roach that S■■ A■■'s primary reason for being on the BOE, and for potentially running for reelection, was to protect her child.

65. Roach told S■■ A■■ what Katherine Malle S■■ had said.

66. On February 12, 2017, S■■ A■■ met with Katherine and John S■■ at their home. S■■ A■■ told them she was aware of their false claims which originated with A■■ S■■, and that

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she wanted it to stop.

67. S. A. reminded Katherine and John S. that AHS had investigated and told them their accusations were false.

68. S. A. told them that she was not on the BOE in order to protect her child and that her child did not need her protection.

69. Katherine Malle S. denied that she accused S. A.'s child of cheating.

70. Katherine Malle S. denied that she said S. A. was only on the BOE to protect her child.

71. Since Katherine Malle S. did not roam AHS trying to dig up dirt on and did not complain to the BOE about any of the other students who bought quizzes on Amazon, it is clear A. Katherine, and John S.'s motive was not related to the quizzes, but to their malicious, vindictive campaign to interfere with S. A.'s performance of her elected position and compel her to resign from the BOE and to cause her as much economic harm as possible.

A. Katherine, and John S.'s Malicious, Vindictive Claims of Preferential Treatment

72. Enraged that A. S. was not going to graduate with an IB Diploma, A. Katherine, and John S. asserted, as part of their malicious, vindictive campaign to interfere with S. A.'s performance of her elected position and compel her to resign from the BOE and to cause her as much economic harm as possible, that anything good that happened to S. A.'s child was because she was giving her child preferential treatment.

73. In fall 2016, Katherine Malle S. contacted other BOE members about S. A. giving preferential treatment to her child when the BOE approved his being a lifeguard for the AHS swim team as part of its Human Resources (HR) agenda, even though Katherine Malle S. knew from reading almost every BOE Agenda that the BOE approved the appointment of dozens of student-lifeguards every academic year.

74. In January 2017, Katherine Malle S. contacted three BOE members on their personal email accounts, instead of their official accounts, asking for their "confidential feedback."

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"(1) HR docs page 4: Why is a student listed in the HR Docs as a Volunteer coach for the Albany High Football team? Many students volunteer in many capacities at AHS. Is a new policy in place where student volunteers are going to be formally recognized in District HR Docs? If this is the case, many more students should on HR docs so their college resume reflect that "official" recognition by the District."

75. The student in question was S ■■■'s child, who was a NYS certified assistant football coach.

76. Katherine Malle S ■■■ knew from reading almost every BOE Agenda that the BOE always voted to approve coaches as part of its HR agenda, whether in a paid or volunteer position, and did not constitute any kind of "recognition by the District".

77. In April 2017, S ■■■ A ■■■'s child getting recognition as a member of the Varsity Masterminds team, while A ■■■ S ■■■ was on Junior Varsity ("JV"), further enraged Katherine Malle S ■■■, triggering her to write to the BOE:

"I have concerns regarding the SNN Mastermind communication that came out yesterday. I understand you wrote it, I'm glad that you sent out a correction and included Erin Lippitt. But your correction does not go far enough. Here's why: There are *two* winning teams, one Varsity and one JV. Why does this SNN only congratulate *one* Mastermind Team? They (sic) *both* winning records. Yes, the Varsity team will go into the playoffs, but why are names of the Varsity team listed and not the JV? Isn't it worth acknowledging the undefeated JV team as well? More importantly: *Don't all students deserve mention?* Here is a photo of the JV and Varsity team taken last month when Albany High hosted the competition. Please consider posting the photo on SNN and on Facebook and acknowledging *all* Mastermind students. That is the right thing to do, Katherine 4/6/17" (Italics in original)

A ■■■ Katherine, and John S ■■■'s False, Malicious Claims About Music

78. Enraged that A ■■■ S ■■■ was not going to graduate with an IB Diploma, A ■■■ Katherine, and John S ■■■ asserted, as part of their malicious, vindictive campaign to interfere with S ■■■ A ■■■'s performance of her elected position and compel her to resign from the BOE and to cause her as much economic harm as possible, that Sue Adler prevented A ■■■ S ■■■ from participating fully in all AHS music opportunities in order to benefit S ■■■ A ■■■'s child and harm A ■■■ S ■■■.

79. A ■■■, Katherine, and John S ■■■ knew the reason A ■■■ and other students had to choose

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between two music classes scheduled at the same time in senior year was that students were not allowed to take two classes at the same time.

80. AHS administration first discovered the issue of students taking two classes at the same time during a Music Department review in Spring 2017.

81. In Spring 2017, the BOE was notified of the issue and corrected it as of the 2017-18 academic year — the year A■■■■ S■■■■ and S■■■■ A■■■■'s child were seniors.

82. S■■■■ A■■■■'s child was not registered for two music classes simultaneously for the 2017-18 academic year.

83. A■■■■ S■■■■ was registered for two music classes simultaneously for the 2017-18 academic year.

84. A■■■■ S■■■■ was one of two pianists in Jazz Band class. The other pianist was S■■■■ A■■■■'s child. Since freshman year, the two pianists had to split the playing-time. A■■■■ S■■■■ liked to push S■■■■ A■■■■'s child off the piano bench. A■■■■ S■■■■ would not get up from the bench when it was time for S■■■■ A■■■■'s child to play, and A■■■■ S■■■■ would push his hands away when he tried to play.

85. By senior year, A■■■■ S■■■■ had sung in Jazz Band as much as or more than she had played piano.

86. A■■■■ S■■■■ chose Albanettes, the female a capella group, over Jazz Band.

87. A■■■■ Katherine, and John S■■■■ were angry A■■■■ was forced to make a choice between Jazz Band and Albanettes for the 2017-18 academic year.

88. A■■■■ S■■■■ never lost the opportunity to participate in all the music AHS had to offer. Even though she didn't choose Jazz Band, she could still perform with them if she learned the music outside of class.

89. A■■■■ S■■■■ availed herself of this opportunity and performed with Jazz Band during senior year. She played piano and sang with the Band accompanying her at a couple of their performances.

90. Even though this change in music classes was of great importance to A■■■■ Katherine,

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and John S. [REDACTED] and even though Katherine Malle S. [REDACTED] made it a point to attend as many meetings and events at AIS as possible, A. [REDACTED], Katherine, and John S. [REDACTED] did not attend a meeting with Superintendent Kaweeda Adams held with families in Fall 2017 about the change in music classes.

91. The parents who attended the meeting were friends of A. [REDACTED], Katherine, and John S. [REDACTED] and whose children wanted to take two music classes simultaneously.

92. M. H. [REDACTED] one of A. [REDACTED] S. [REDACTED]'s best friends who was also a senior, attended although he was not even affected by this change.

93. At the meeting, M. I. [REDACTED] and the parents repeated the same false claims A. [REDACTED], Katherine, and John S. [REDACTED] had invented, namely, that students were losing music opportunities because S. A. [REDACTED] was abusing her BOB position to protect her child and harm A. [REDACTED] S. [REDACTED].

94. A. [REDACTED], Katherine, and John S. [REDACTED] knew the complaint they sent others to make was false and their not attending the meeting was a transparent attempt to avoid the consequences of their malicious, vindictive conduct.

A. [REDACTED], Katherine, and John S. [REDACTED]'s False, Malicious Claims about Sexual Harassment

95. The vendetta A. [REDACTED], Katherine, and John S. [REDACTED] had been waging against S. A. [REDACTED] since their dream of A. [REDACTED] getting a science-based IB Diploma ended in fall 2016 accelerated after a May 22, 2017 text between two boys that S. A. [REDACTED]'s child never sent to and never showed to A. [REDACTED] S. [REDACTED].

96. On May 22, 2017, during an AP US History lesson that included a discussion of President Clinton and Monica Lewinsky engaging in oral sex, another boy, W. [REDACTED] M. [REDACTED], and S. [REDACTED] A. [REDACTED]'s child had a text conversation about sex with two girls, one of which was A. [REDACTED] S. [REDACTED].

97. A. [REDACTED], Katherine, and John S. [REDACTED] knew that S. A. [REDACTED]'s child never sent the text to A. [REDACTED] S. [REDACTED].

98. A. [REDACTED], Katherine, and John S. [REDACTED] knew that S. A. [REDACTED]'s child never showed the text to A. [REDACTED] S. [REDACTED].

99. A. [REDACTED], Katherine, and John S. [REDACTED] knew that S. A. [REDACTED]'s child never sent any texts with

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child to M. S. in the library, another reported A. S. tried to talk to him in the hall about S. A.'s child, and another said A. S. revealed confidential personal information about S. A.'s child.

110. That A. S. was not the victim of sexual harassment is underscored by her showing up at Albany City Hall on May 23, 2017 – the evening after V. N. showed her the private text – for the Mayor's annual event to honor individual students and student groups. The 8-member AFIS Varsity Masterminds team was being honored and getting certificates from the Mayor. A. S. was not a member of the Varsity team. She was a member of the JV team. She was not being honored and she was not getting a certificate. She came for a photo op with a team she was not a member of, knowing S. A.'s child was a member of that team and would be there, and inserted herself front and center into the photograph, just a couple of feet away from S. A.'s child.

111. Even though A. Katherine, and John S. knew A. S. was not a sexual harassment victim, as the next step in their years-long personal vendetta against S. A. they filed a Dignity for All Students Act (DASA) complaint against S. A.'s child and continued to allege S. A. abused her BOE position by covering up sexual harassment they knew never occurred.

112. When their DASA complaint was denied after a thorough and independent investigation by an outside expert, A., Katherine, and John S. continued their malicious, vindictive campaign against S. A. by claiming that the investigation was not biased.

A., Katherine, and John S.'s False, Malicious Claims About Safety

113. When school started up again in fall 2017, A., Katherine, and John S. continued their personal vendetta to interfere with S. A.'s performance of her elected position and compel her to resign from the BOE and cause her as much economic damage as possible by making false complaints about S. A.'s child in an unsuccessful effort to create evidence that A. S. needed a safety plan because she was being victimized and that S. A. was covering it up.

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114. A ■ S ■ intentionally made a false complaint in connection with the September 23, 2017 Homecoming football game. A ■ S ■ wanted to sing the National Anthem. She knew that S ■ A ■'s child had been an assistant football coach for 3 years. She falsely claimed that S ■ A ■'s child stood near her on the field. Photographs and eyewitness reports proved that S ■ A ■'s child did not stand near A ■ S ■. AHS's investigation concluded the complaint was unfounded.

115. A ■ S ■ intentionally made a false complaint in connection with her standing on line for a senior meeting on September 26, 2017. A ■ S ■ claimed that S ■ A ■'s child cut in front of her. Video evidence proved that, while he cut in line, he did not cut in line directly in front of her, he was not next to her, and he did not come in contact with her. AHS's investigation concluded the complaint was unfounded.

116. A ■ S ■ intentionally made a false complaint in connection with S ■ A ■'s child being at the October 25, 2017 Albany Fund for Education Gala. S ■ A ■'s child was there playing with the Jazz Band. He also sang with the Men's Ensemble. A ■ S ■ sang with the Albanettes. S ■ A ■ was in attendance, as was the AHS Innovation Academy Principal Julio Barber and another AHS administrator.

117. During the singing performances, S ■ A ■'s child was not near A ■ S ■.

118. At the end of the night, after every other student had left except for those playing in Jazz Band, A ■ S ■ climbed onto the small stage where the Jazz Band members were and stood steps away from S ■ A ■'s child. John S ■ was in the room with an unobstructed view of what his daughter was doing. AHS's investigation concluded the complaint was unfounded.

119. A ■ S ■ intentionally made a false complaint on December 15, 2017 in connection with walking in a hallway in AHS between classes. A ■ claimed that S ■ A ■'s child crossed paths with her. Video evidence showed that it was A ■ S ■ who chose to take a different route to class than she took previously and that, regardless of this fact, S ■ A ■'s child did not come close to her. AHS's investigation concluded the complaint was unfounded.

120. A ■, Katherine, and John S ■ made a false complaint that A ■ needed security

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to protect her from S. A.'s child so that she could perform with Jazz Band at the Albany Founder's Day Gala on April 27, 2018.

121. A., Katherine, and John S. knew S. A.'s child posed no safety concerns to A. and the request for security was denied. A., Katherine, and John S. were told that Principal Jodi Commerford would be attending the Gala.

122. A., Katherine, and John S. made a false complaint that A. S. needed security in a transparent attempt to bolster their malicious, vindictive campaign that S. A. was abusing her BOE position to protect her child and to harm A. S.

123. It was apparent that A., Katherine, and John S. lied about the need for security or a safety plan and used it as a sword to interfere with S. A.'s performance of her elected position and compel her to resign from the BOE and to cause her as much economic harm as possible, rather than as a shield to protect A.

A., Katherine, and John S.'s Attempts to Force S. A.'s Resignation

124. Enraged that A. was not going to graduate with an IB Diploma, A., Katherine, and John S., in fall 2017, colluded with Kenneth ("Kenny") Bruce – a disgraced bankrupt former BOE member forced to resign after the BOE obtained a legal judgment against him in New York State Supreme Court for disclosing confidential information in violation of New York State law – to interfere with S. A.'s performance of her elected position and compel her to resign from the BOE and to cause her as much economic harm as possible.

125. A., Katherine, and John S. colluded with Kenny Bruce because they believed he shared their resentment and vindictiveness towards S. A. and the BOE for forcing him to resign from the BOE in May 2017.

126. A., Katherine, and John S. colluded with Kenny Bruce because they believed he would willingly lie publicly without any concern for consequences since he had a multimillion dollar bankruptcy and was judgment-proof.

127. A., Katherine, and John S. were not judgment-proof.

128. A., Katherine, and John S. knew that, if they publicly made the false claims

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they had been perpetuating privately since fall 2016, Sue Adler would sue them.

129. A■■■■, Katherine, and John S■■■■ enlisted Kenny Bruce to attend the November 17, 2017 BOE meeting to do their dirty work and spread their malicious, vindictive claims about S■■■■ A■■■■ and her child and to call for Sue Adler to resign from the BOE.

130. A■■■■, Katherine, and John S■■■■ maliciously and vindictively made false claims about sexual harassment, violent threats, safety issues, stealing of tests and answers, denial of music opportunities, and preferential treatment and sent Kenny Bruce to a public BOE meeting attended by their friends in order to knowingly falsely accuse S■■■■ A■■■■ of violating her oath and abusing her office by covering up her child's wrongdoing and to call on her to resign her position immediately.

131. A■■■■, Katherine, and John S■■■■ provided Kenny Bruce with information that he would not have obtained otherwise, *i.e.*, their false claims about quizzes and cheating, lost music opportunities, sexual harassment, school safety issues, and preferential treatment, and cover-ups.

132. A■■■■, Katherine, and John S■■■■ provided Kenny Bruce with these false claims solely out of malice towards S■■■■ A■■■■.

133. A■■■■, Katherine, and John S■■■■ provided Kenny Bruce with these false claims with the knowledge and intent that he would use them against S■■■■ A■■■■ to interfere with her performance of her elected position and compel her to resign from the BOE and to cause her as much economic harm as possible.

134. Katherine S■■■■ rarely missed a BOE meeting, especially if there was going to be any discussion or public comments on an issue she was interested in.

135. A■■■■, Katherine, and John S■■■■ intentionally did not appear at the November 16, 2017 BOE meeting where Kenny Bruce spoke at public comment to lodge false claims about S■■■■ A■■■■ her child, and the BOE.

136. The false claims Kenny Bruce publicly made at the meeting were virtually identical to the those A■■■■, Katherine, and John S■■■■ had made since Fall 2016, just as divorced from reality and emanating from the same false promises, but embellished for the greatest

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salacious and malicious impact and for the most damage and economic harm.

137. Where A■■, Katherine, and John S■■ made false claims that S■■ A■■ covered up her child's cheating on quizzes in AP US History, Kenny Bruce falsely claimed that S■■ A■■'s child stole tests and answers.

138. Where A■■, Katherine, and John S■■ made false claims that S■■ A■■ was preventing A■■ from participating in music opportunities, Kenny Bruce falsely claimed that all music students were being deprived of music opportunities because S■■ A■■ was abusing her BOE position.

139. Where A■■, Katherine, and John S■■ made false claims that A■■ needed a safety plan to feel comfortable at AHS even as she chose to be in close proximity to S■■ A■■'s child when it suited her interests, Kenny Bruce falsely claimed that S■■ A■■'s child created an unsafe environment throughout a more than 2400-student school and sexually harassed multiple girls.

140. Many friends of A■■, Katherine, and John S■■ were present at the meeting.

141. A■■, Katherine, and John S■■ were glaringly absent from the meeting.

142. After Kenny Bruce foreseeably embellished the false claims A■■, Katherine, and John S■■ gave him to say at the BOE meeting and called for S■■ A■■'s resignation from the BOE, District Counsel Jeffrey Honeywell stood up and stated:

"Mr. Bruce ... As always, it's safe to assume I have a lot more facts about the situation than you do. So I just wish to state on behalf of the BOE that your accusations are false, malicious, and unfounded and really should not be repeated."

A■■, Katherine, and John S■■'s Continued Vendetta

143. Based on A■■, Katherine, and John S■■'s malicious and vindictive years-long campaign, it was reasonable for S■■ A■■ to believe they would try to interfere with her child's college applications and acceptances in order to cause her economic harm.

144. Beginning in fall 2017, S■■ A■■ told certain people who were friendly with A■■, Katherine, and John S■■ that her child was applying Restrictive Early Action to Stanford

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University, even though that was not true.

145. Even though S. A.'s child discussed with some classmates the colleges where he planned to apply, S. A. instructed her child to tell people in fall 2017 that he was applying Restrictive Early Action to Stanford University.

146. On December 15, 2017, the day Stanford University issued its Restrictive Early Action decisions, A. Katherine, and John S. tried to find out if S. A.'s child was accepted.

147. On December 15, 2017, out of the blue, one of A. S.'s best friends, M. H., texted S. A.'s child at 5 p.m. to ask if he was accepted at Stanford University.

148. M. H. and S. A.'s child were not friends. They did not socialize. M. H. and S. A.'s child did not have any relationship where they would text each other about getting into college.

149. When S. A.'s child told M. H. that he had not heard yet, M. H. emphasized that Stanford University was issuing decisions at 5 p.m. – a fact he was very familiar with even though he was not applying there.

150. S. A. told her child to tell M. H. that the 5p.m. time was Pacific not Eastern Standard Time so that her child did not have to engage further with M. H.

151. Three hours later, at 8 p.m. Eastern Standard Time, M. H. again texted S. A.'s child, asking if he had heard from Stanford University. S. A. told her child to report that he had been rejected.

152. In or about February 2018, S. A. learned about “anonymous” letters sent to colleges S. A.'s child was applying to in an attempt to negatively influence their accepting S. A.'s child.

153. The letter repeated the same false claims A. Katherine, and John S. had been making continuously since fall 2016 regarding S. A. using her position as BOE President to cover up for her child.

154. It was reasonably foreseeable that a letter with these false claims would

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negatively impact the acceptance decision of any college S ■ A ■'s child was applying to and would cause economic harm to S ■ A ■ who as a parent was legally responsible for the financial support of her child including, among other things, application fees, college tuition and fees, and scholarships.

155. As a result of A ■, Katherine, and John S ■'s tortious conduct, S ■ A ■ hired a private investigator related to the circumstances surrounding college applications and acceptances.

A ■, Katherine, and John S ■'s Continued Campaign to Force S ■ A ■ to Resign

156. A ■, Katherine, and John S ■ continued their malicious, vindictive campaign against S ■ A ■ by trying to prevent her from exercising her authority as President at the Albany High School June 24, 2018 graduation and by trying to force her to resign from the BOE.

157. A ■, Katherine, and John S ■ tried to get a petition by parents and students to prevent S ■ A ■ from speaking at graduation and they urged BOE members to prevent S ■ A ■ from speaking at graduation, continuing to falsely claim that S ■ A ■ abused her BOE position to protect her child.

158. Katherine Mallo S ■ contacted Superintendent Kaweeda Adams and let her know that the students were upset that AHS Principal Jodi Commerford announced at their first graduation rehearsal they could not engage in any protests at graduation.

159. Several days before graduation, A ■ S ■ initiated a meeting with AHS Principal Commerford. The meeting was solely at A ■ S ■'s behest. A ■ S ■ told Principal Commerford that the point of the meeting was to reassure Principal Commerford there would not be any disruption during graduation and there was nothing to worry about.

160. A ■ S ■ asked for this meeting with Principal Commerford in a transparent

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attempt to appear uninvolved in disrupting graduation and to try to avoid the consequences of her and her parents' malicious, vindictive campaign against S. A.

161. As S. A. began her graduation speech, M. E. and C. C. two of A. S.'s best friends seated in the front row, disrupted graduation by standing up and turning their backs on S. A. About a dozen students joined them. When an announcement was made for the students to sit down and C. C. started to comply, M. E. grabbed her arm and pulled her up to prevent her from sitting down. The two of them then led almost the entire student body in turning their backs on S. A. as she continued her speech on racism, amid yelling and screaming and mayhem throughout the University at Albany SEFCU Arena.

162. M. E.'s father, Christian H. took a video recording of the students turning their backs on S. A. as she tried to give her speech. H. gave the video to the Times Union and communicated the false claim that it was a protest by students against S. A. because she covered up sexual harassment of several girls by her child.

163. When a Times Union reporter called S. A. for comment, the reporter told her that H. had not provided any evidence to support the claim and that the Times Union had no evidence in support of the claim.

164. S. A. told the Times Union the reason no evidence was provided was that none existed: there was not a shred of evidence that any girls were sexually harassed, the H. family who gave the video to the Times Union knew the claim was false, and this was part of a years-long vendetta by the H. close friends — A., Katherine, and John S. — against S. A.

165. The Times Union ran on its website the video M. E.'s father recorded and a web article, along with a front page newspaper article about the students standing and turning

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their backs during S■■ A■■'s speech to protest her allegedly covering up for an unidentified student.

166. The Times Union also quoted Albany School District counsel Jeffrey Honeywell, who repeated what he publicly stated at the November 17, 2017 BOE meeting: the accusations against S■■ A■■ were "false, malicious, and unfounded."

167. As a result of A■■, Katherine, and John S■■'s tortious conduct S■■ A■■ hired a private investigator related to the circumstances surrounding graduation.

A■■, Katherine, and John S■■'s Post-Graduation Malicious, Vindictive Campaign

168. Even after graduation, A■■, Katherine, and John S■■ continue to enlist others to continue to harass S■■ A■■ and cause her economic harm.

169. Three times, in April and July 2019, J■■ P■■ sent harassing texts, trying to hide her identity by sending them from an old computer number.

170. J■■ P■■ was an AHS student who was a year behind A■■ S■■ and ■■■ A■■'s child.

171. J■■ P■■ was friends with A■■ S■■ and her brother and A■■ S■■ attended the same college.

172. J■■ P■■ and S■■ A■■'s child were not friends.

173. J■■ P■■ demanded to know what S■■ A■■'s child was doing, what were his college plans in 2019 and in 2020, and refused to identify herself.

174. J■■ P■■ also sent harassing texts about whether S■■ A■■'s child about was conceived through in vitro fertilization - not public information.

175. It was reasonably foreseeable that A■■, Katherine, and John S■■'s continuous pursuit of their vendetta against S■■ A■■ would cause her to take steps necessary to prevent

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their escalating and relentless harassment of her family, including forgoing AHS scholarships her child was awarded because the scholarships required disclosure of personal information to AHS.

176. In May 2019, a Times Union reporter contacted S. A. to again levy the false accusations that she covered up wrongdoing by her child and that the student protest at graduation was for her wrongdoing. The reporter indicated that what triggered this call was the S. family had contacted the U.S. Department of Education to make these same accusations and it was reasonable to believe from the conversation with the reporter that the S. family had informed the Times Union of this fact.

Actual Relationship between A. S. and S. A.'s Child

177. A. S. and S. A.'s child were friends for 2½ years, from freshman year to the middle of junior year. They referred to each other as "complicated" friends because A. S. bullied S. A.'s child from freshman year (2014-15) through most of sophomore year (2015-16); in fall sophomore year (2015), S. A.'s child wrote a sex fantasy that he never showed to A. but shared with one of his male friends whom he mistakenly thought would keep it private. After A. learned about it that year, S. A.'s child apologized and A. and he remained friends. Before and after that, A. still came to his house for parties, invited him to her recital, and shared personal things with him (2014-early 2017).

178. After the first Summer 2016 party (between sophomore and junior years), A. S. asked S. A.'s child when he was having another party that summer, telling him "The last one was super fun and thanks!" They then had a long conversation about A.'s fantasies of singing with the men's ensemble and joked around and shared music to listen to.

179. The day after the second Summer 2016 party they had another lengthy conversation:

S. A.'s child: "Why'd you go around asking all the guys 'if a girl walked up to you and asked you to make out would you?'" He told her the other guys were discussing her asking about "hooking up" and also talking generally about her.
A. "They wish I would hook up with them" and she said she felt like she wanted to cry.

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S ■ A ■'s child: "I really don't want to make you hurt. This hurts me. People have been put off by your self-confidence and strength." "I don't think there is any girl in the world who has the confidence and self-esteem of you. People aren't used to that."

A ■ "Thank you."

S ■ A ■'s child: "Adding to your intelligence I just don't think many guys like having someone who can out-think them and knows, it too."

A ■ "Do they have anything nice to say?? Like what about n ■ or v ■?"

S ■ A ■'s child: "Yeah people can be massive dicks no matter how nice you can be."

A ■ "And thanks." "It helps. Thank you and I'll try to be better so these guys can stfu."

S ■ A ■'s child: "You've gotten so much better since freshman year."

A ■ "That's good!! Thanks"

S ■ A ■'s child: "I think it'll help, but you're great as it is."

180. A ■ S ■ told S ■ A ■'s child in October 2016 that, though she didn't like him romantically, "I do respect you."

181. In a couple of conversations in November and December 2016, S ■ A ■'s child told A ■ S ■ about how bad he felt in Jazz Band because of how she bullied him:

S ■ A ■'s child: "You belittled me since freshman year. Belittling really hurt me and killed my self-confidence/self-esteem."

A ■ "Look we have days where we hate each other and today was 1 of them. I am an outspoken person and I know I overstep a lot."

S ■ A ■'s child: "I don't think you realize how often it was. Looking back at jazz band class freshman and a lot of sophomore year, most of what I remember is just continually being made fun of by you (and it got a lot more frequent with E ■). It really wouldn't usually hurt that much, but I really cared about your opinion of me. E ■ could say what he wanted and I wouldn't care but coming from you it hurt."

A ■ "You never acted like it. Just saying"

S ■ A ■'s child: "So you just piled on with E ■ because it was playful for you?"

A ■ "Yes"

S ■ A ■'s child: "And I should also apologize: with my necessitated thought process, I can blur lines and lose sight of my compassion and empathy for you. Which I do have, I swear."

182. They also talked about classes, schedules, dating, and, when discussing if A ■ was going to come to his 2016/17 New Year's Eve party, they talked about getting their first kiss and a boy A ■ liked who would be at the party:

A ■ "It's not the place to kiss him even though it's new years. It would be MY first kiss and I wouldn't want it to be weird esp with a bunch of people being like wtf is she doing."

S ■ A ■'s child: "Oh I totally understand no one would judge you, though. It's totally understandable. (Though I'm not suggesting your first kiss be at a NYE party.) But you know, you could come to have a good time with friends of yours, not just come to hang out

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with your romantic interest."

A [REDACTED] "Yeah lol Ugh I am so bad with guys. definitely not my strong suit."

S [REDACTED] A [REDACTED]'s child: "There are worse problems to have. If you need any help, you know who you can turn to?"

A [REDACTED] "I know, Ghostbusters"

S [REDACTED] A [REDACTED]'s child: "Lol. Me. I'm here to help. Cuz, like, I know how guys/dating works.

This stuff can be hard. But it doesn't have to be. I can see *that* went over well."

A [REDACTED] "Thanks."

S [REDACTED] A [REDACTED]'s child "Anytime. So are you interested in having fun with friends tonight? M [REDACTED]
[REDACTED] says she wants you to come. She wants more girls."

AS AND FOR A CLAIM FOR PRIMA FACIE TORT

183. Paragraphs 1 through 182 are hereby incorporated by reference into this claim.

184. From fall 2016 and continuing unabated to date, A [REDACTED] Katherine, and John S [REDACTED] intentionally, motivated solely by "disinterested malevolence" and without excuse or justification, pursued a vendetta against S [REDACTED] A [REDACTED] because they irrationally and unreasonably – and without a shred of credible evidence – believed she was to blame for A [REDACTED] S [REDACTED] not obtaining a science-based IB Diploma.

185. S [REDACTED] A [REDACTED] was elected to public office twice by the voters of the City of Albany, the last time in November 2013 to serve a four-year BOE term.

186. In January 2014, S [REDACTED] A [REDACTED] was sworn in to her second term, taking the oath of office to support the U.S. and N.Y.S. Constitutions and "faithfully discharge the duties of office of school board member."

187. From fall 2016 and continuing unabated to date, A [REDACTED] Katherine, and John S [REDACTED] pursued their personal vendetta against S [REDACTED] A [REDACTED] and sought to interfere with her obligation to serve as a publicly-elected official and compel her to resign from the BOE and to cause her as much economic harm as possible.

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188. As a result of A■■■■, Katherine, and John S■■■■'s tortious conduct, S■■■■ A■■■■ suffered \$5,715 in special damages causally related to their tortious conduct against her: \$1,120 for private investigative services; \$4000 from lost college scholarship funds; \$595 in lost college application fees.

189. But for A■■■■, Katherine, and John S■■■■'s tortious conduct, S■■■■ A■■■■ would not have incurred \$5,715 in special damages.

190. A■■■■, Katherine, and John S■■■■'s years-long relentless campaign against S■■■■ A■■■■ was so gross, wanton, and willful and evidenced such a high degree of morally culpable conduct as to justify the imposition of punitive damages against them.

191. It takes a special kind of evil to pursue a vendetta against someone by spreading false claims about her child, making exemplary damages especially warranted.

PRAYER FOR RELIEF

Plaintiff demands judgment against Defendants as follows:

- a. \$ 5,715 in special damages;
- b. \$ 571,500 in punitive damages;
- c. costs of this action, including any attorney's fees; and
- d. such other and further relief as this Court deems just and proper.

Dated: June 1, 2021

S■■■■ A■■■■
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